



Sen. Sue Rezin

Filed: 4/15/2016

09900SB2527sam002

LRB099 16376 AWJ 47723 a

1 AMENDMENT TO SENATE BILL 2527

2 AMENDMENT NO. _____. Amend Senate Bill 2527 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Transportation Law of the
5 Civil Administrative Code of Illinois is amended by changing
6 Section 2705-300 and adding Section 2705-615 as follows:

7 (20 ILCS 2705/2705-300) (was 20 ILCS 2705/49.18)

8 Sec. 2705-300. Powers concerning mass transportation. The
9 Department has the power to do the following:

10 (1) Advise and assist the Governor and the General Assembly
11 in formulating (i) a mass transportation policy for the State,
12 (ii) proposals designed to help meet and resolve special
13 problems of mass transportation within the State, and (iii)
14 programs of assistance for the comprehensive planning,
15 development, and administration of mass transportation
16 facilities and services.

1 (2) Appear and participate in proceedings before any
2 federal, State, or local regulatory agency involving or
3 affecting mass transportation in the State.

4 (3) Study mass transportation problems and provide
5 technical assistance to units of local government.

6 (4) Encourage experimentation in developing new mass
7 transportation facilities and services.

8 (5) Recommend policies, programs, and actions designed to
9 improve utilization of mass transportation services.

10 (6) Cooperate with mass transit districts and systems,
11 local governments, and other State agencies in meeting those
12 problems of air, noise, and water pollution associated with
13 transportation.

14 (7) Participate fully in a statewide effort to improve
15 transport safety including, but not limited to:-

16 (a) to the extent required by Fixing America's Surface
17 Transportation Act ("FAST Act"), Section 5329 of 49 U.S.C.
18 and 49 CFR Part 674, developing, adopting, and implementing
19 a system safety program standard meeting the compliance
20 requirements of Section 5329 of 49 U.S.C. for the safety of
21 planned, under construction, or in revenue operation rail
22 fixed guideway systems and the personal security of the
23 systems' passengers and employees;

24 (b) in accordance with the FAST Act, establishing
25 procedures to regulate, investigative, inspect, audit, and
26 enforce all other necessary and incidental functions

1 related to the effectuation of the FAST Act, or other
2 federal law pertaining to public transportation oversight;
3 and

4 (c) requiring the local mass transit districts, the
5 Regional Transportation Authority, St. Clair County
6 Transit District, and applicable Service Boards to comply
7 with the requirements of Section 5329 of 49 U.S.C. as now
8 or hereafter amended. The Department may contract for the
9 services of a qualified consultant to comply with this
10 subsection.

11 (d) The security portion of the system safety program,
12 including, without limitation, investigation reports,
13 surveys, schedules, lists, or data compiled, collected, or
14 prepared by or for the Department under this subsection,
15 shall not be subject to discovery or admitted into evidence
16 in federal or State court or considered for other purposes
17 in any civil action for damages arising from any matter
18 mentioned or addressed in such reports, surveys,
19 schedules, lists, data, or information.

20 (e) The Department and its employees, and any local
21 mass transit district, the Regional Transportation
22 Authority, St. Clair County Transit District, or any
23 Service Board subject to this Section, or their respective
24 directors, officers, or employees, shall not be held liable
25 in any civil action for any injury to or death of any
26 person or loss of or damage to property for any acts or

1 omissions or failures to act under this Section or pursuant
2 to the FAST Act as now or hereafter amended.

3 (8) Conduct by contract or otherwise technical studies, and
4 demonstration and development projects which shall be designed
5 to test and develop methods for increasing public use of mass
6 transportation and for providing mass transportation in an
7 efficient, coordinated, and convenient manner.

8 (9) Make applications for, receive, and make use of grants
9 for mass transportation.

10 (10) Make grants for mass transportation from the
11 Transportation Fund pursuant to the standards and procedures of
12 Sections 2705-305 and 2705-310.

13 (Source: P.A. 91-239, eff. 1-1-00.)

14 (20 ILCS 2705/2705-615 new)

15 Sec. 2705-615. FAST Act. The Department shall develop,
16 adopt, and implement a system safety program standard and
17 establish procedures to comply with the federal Fixing
18 America's Surface Transportation Act ("FAST Act") as required
19 under paragraph (7) of Section 2705-300 of the Department of
20 Transportation Law of the Civil Administrative Code of
21 Illinois.

22 Pursuant to 49 CFR 659, the St. Clair County Transit
23 District and the Department shall have concurrent rail transit
24 safety oversight authority for MetroLink until December 31,
25 2016. Thereafter, the Department shall have rail transit safety

1 oversight authority in the State of Illinois for MetroLink.

2 Section 10. The Bi-State Transit Safety Act is amended by
3 adding Section 100 as follows:

4 (45 ILCS 111/100 new)

5 Sec. 100. Repeal. This Act is repealed on December 31,
6 2016.

7 Section 15. The Regional Transportation Authority Act is
8 amended by changing Section 2.11 as follows:

9 (70 ILCS 3615/2.11) (from Ch. 111 2/3, par. 702.11)

10 Sec. 2.11. Safety.

11 (a) The Service Boards may establish, enforce and
12 facilitate achievement and maintenance of standards of safety
13 against accidents with respect to public transportation
14 provided by the Service Boards or by transportation agencies
15 pursuant to purchase of service agreements with the Service
16 Boards. The provisions of general or special orders, rules or
17 regulations issued by the Illinois Commerce Commission
18 pursuant to Section 57 of "An Act concerning public utilities",
19 approved June 29, 1921, as amended, which pertain to public
20 transportation and public transportation facilities of
21 railroads will continue to apply until the Service Board
22 determines that different standards are necessary to protect

1 such health and safety.

2 (b) (Blank). ~~To the extent required by 49 CFR Part 659 as~~
3 ~~now or hereafter amended, the Authority shall develop and adopt~~
4 ~~a system safety program standard for the safety of rail fixed~~
5 ~~guideway systems and the personal security of the systems'~~
6 ~~passengers and employees and shall establish procedures for~~
7 ~~safety and security reviews, investigations, and oversight~~
8 ~~reporting. The Authority shall require the applicable Service~~
9 ~~Boards to comply with the requirements of 49 CFR Part 659 as~~
10 ~~now or hereafter amended. The Authority may contract for the~~
11 ~~services of a qualified consultant to comply with this~~
12 ~~subsection.~~

13 (c) The security portion of the system safety program,
14 investigation reports, surveys, schedules, lists, or data
15 compiled, collected, or prepared by or for the Department of
16 Transportation or the Authority under this subsection, shall
17 not be subject to discovery or admitted into evidence in
18 federal or State court or considered for other purposes in any
19 civil action for damages arising from any matter mentioned or
20 addressed in such reports, surveys, schedules, lists, data, or
21 information.

22 (d) Neither the Authority nor its directors, officers, or
23 employees, nor any Service Board subject to this Section nor
24 its directors, officers, or employees, nor a local mass transit
25 district nor its directors, officers, or employees shall be
26 held liable in any civil action for any injury to any person or

1 property for any acts or omissions or failure to act under this
2 Section or pursuant to the federal Fixing America's Surface
3 Transportation Act ~~49 CFR Part 659~~ as now or hereafter amended.

4 (e) The Authority shall comply with all requirements of
5 Section 5329 of 79 U.S.C. as required by the Department of
6 Transportation under paragraph (7) of Section 2705-300 of the
7 Department of Transportation Law of the Civil Administrative
8 Code of Illinois.

9 (Source: P.A. 90-273, eff. 7-30-97.)"